

No. 84-835
No. 84-776

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Office - Supreme Court, U.S.
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CLERK

In The
Supreme Court of the United States
October Term, 1984

STATE OF NEW JERSEY,
Department of Corrections,

Petitioner,

v.

RICHARD NASH,

Respondent.

PHILIP S. CARCHMAN,
Mercer County Prosecutor,

Petitioner,

v.

RICHARD NASH,

Respondent.

**ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

JOINT APPENDIX

(All counsel listed on inside cover.)

Petition For Certiorari (84-835) Filed November 20, 1984
Petition For Certiorari (84-776) Filed November 5, 1984
Certiorari Granted January 14, 1985

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IRWIN I. KIMMELMAN
Attorney General of
New Jersey

JAMES J. CIANCIA*
Assistant Attorney General

CATHERINE M. BROWN
Deputy Attorney General

RICHARD J. HUGHES
Justice Complex
CN 112
Trenton, New Jersey 08625
(609) 292-8567

*Attorneys for Petitioner
State of New Jersey,
Department of Corrections*

PHILIP S. CARCHMAN*
Mercer County Prosecutor

WILLIAM J. FLANAGAN
Assistant Prosecutor

MERCER COUNTY COURTHOUSE
P.O. Box 8068
Trenton, New Jersey 08650
(609) 989-6305

*Attorneys for Petitioner
Philip S. Carchman,
Mercer County Prosecutor*

*Counsel of Record

JOSEPH H. RODRIGUEZ
Public Defender

LOIS DE JULIO*
First Assistant Deputy
Public Defender

JOHN BURKE III
Assistant Deputy Public
Defender

20 Evergreen Place
East Orange, New Jersey
07018

*Attorneys for Respondent
Richard Nash*

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| State v. Richard Nash, No. 494-74, (N.J. Law Div., oral opinion delivered August 25, 1981) | App. 50 |
| Order, Honorable Richard J.S. Barlow, Jr., J.S.C. filed September 9, 1981 | App. 76 |
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| State v. Richard Nash, No. A-2711-76, (N.J. App. Div., filed December 11, 1978) | App. 102 |
| Order Denying Petition for Rehearing, Honorable Edward R. Becker, (3rd Cir., filed August 27, 1984) | App. 103 |
| Judgment, Nash v. Jeffes, No. 83-5261, (3rd Cir., filed September 4, 1984) | App. 105 |
| Interstate Agreement on Detainers, <i>N.J.S.A.</i> 2A:159A-1 <i>et seq.</i> | App. 110 |

RELEVANT DOCKET ENTRIES

| DATE | NR. | PROCEEDINGS |
|---------|-----|---|
| 2- 9-81 | 1 | Order transferring action from Middle Dist. of Pennsylvania, filed, with the following documents enclosed: |
| | 1a | Memorandum |
| | 1b | Petition for writ of habeas corpus |
| | 2 | Order re in forma pauperis |
| | 3 | Petitioner's letter |
| | 4 | Statement re prison account |
| | 5 | Order re rule to show cause |
| | 6 | Letter of Mercer County Prosecutor |
| | 7 | Petitioner's reply |
| | 8 | Amendment to petitioner's reply |
| | 9 | Memorandum re amendment to petition |
| | 10 | Order for amendment to petition |
| | 11 | Petitioner's letter dated 11-20-80 |
| | 12 | Amended petition for writ of habeas corpus |
| 2- 9-81 | 13 | Notice of Allocation and Assignment filed. (Trenton-Debevoise) |
| 2-11-81 | 14 | Order directing respondent Prosecutor of Mercer County to answer petition for writ of habeas corpus not later than 3-16-81 filed. 2-11-81. (Devine) |
| 3-26-81 | 15 | <i>Answer filed.</i> (state court proceedings submitted) |
| 3-27-81 | 16 | Certificate of service filed. |
| 3-31-81 | 17 | Report and recommendation filed. (Devine) (copies mailed) |
| 4- 2-81 | 18 | Plaintiff's motion for affidavit of default filed. |
| 4- 8-81 | 19 | Petitioner's objections to Magistrate's report and recommendation, filed |
| 5-20-81 | 20 | Supplement to petitioner's objections to Magistrate's report and recommendation, with proof of service annexed thereon, filed |

| DATE | NR. | PROCEEDINGS |
|---------|-----|---|
| 6-23-81 | 21 | Plaintiff's letter date 5-12-81 to Judge Debevoise, filed |
| 6-25-81 | 22 | OPINION filed 6-24-81. (Debevoise) (copies mailed) |
| 6-25-81 | 23 | Order directing Prosecutor of Mercer County to file a statement within 30 days and denying petitioner's motion for entry of default filed 6-24-81. (Debevoise) (copies mailed) |
| 7-21-81 | 24 | STATEMENT, with verification and certificate of service annexed thereon, filed 7-20-81 |
| 7-27-81 | 25 | Order staying action pending completion of certain state court proceedings filed 7-24-81. (Debevoise) (copies mailed) |
| 7-29-81 | 26 | Petitioner's objections to respondents' reply to court mandate filed |
| 8- 3-81 | 27 | Order terminating action administratively without costs filed. (Debevoise) (copies mailed) |
| 3-15-82 | 28 | Plaintiff's motion to terminate stay and resume jurisdiction filed |
| 4- 1-82 | 29 | Certificate of service filed 3-29-82 |
| 4- 7-82 | | At call for hearing on pltf's motion to terminate stay and resume jurisdiction, the court reported motion to be decided on papers submitted pursuant to Rule 78. (Debevoise) (4-5-82) |
| 4-13-82 | 30 | Letter of plaintiff re: plaintiff's motion to terminate stay and resume jurisdiction filed 4-12-82 |

| DATE | NR. | PROCEEDINGS |
|----------|-----|--|
| 4-14-82 | 31 | OPINION filed 4-12-82. (Debevoise) (copies mailed) |
| 4-14-82 | 32 | Order denying petitioner's motion to stay proceedings filed 4-12-82. (Debevoise) (copies mailed) |
| 12- 9-82 | 33 | Writ of habeas corpus as to pltf., on 12-28-82, filed. (Debevoise) copies to USM |
| 1- 7-83 | 34 | Order reinstating matter to trial list, filed 1-6-83. (Debevoise) (notice mailed) |
| 1-13-83 | 35 | Order of U.S.C.A. designating Philadelphia, Pennsylvania on 1-4-83 as designated place for hearing on petition for writ of habeas corpus filed 1-12-83. (Aldisert) (copies mailed) |
| 1-17-83 | 36 | Order Re-allocating case from Trenton to Newark filed. (Debevoise) (Notice Mailed) |
| 3- 8-83 | 37 | Opinion, filed 3-7-83. (Debevoise) (Granting petition for Writ of Habeas Corpus) copy to N.J. L. J. |
| 3-23-83 | 38 | Order granting petitioner's petition for Writ of Habeas Corpus, without costs, filed 3-21-83. (Debevoise) (notice mailed) |
| 4- 7-83 | 39 | Defendant's Notice of Appeal filed 4-4-83 at 3:55 p.m. |
| 4- 7-83 | | Copies of defendant's notice of Appeal sent to U.S.C.A., Richard Nash, and James A. Waldron, Jr. |
| 4-11-83 | 40 | Copy of transcript purchase Order of habeas corpus hearing taken 1-4-83 at the U.S. Court House in Philadelphia, filed 4-8-83 |

DATE NR. PROCEEDINGS

5- 4-83 41 *Transcript* or hearing taken 1-4-83 in Philadelphia, filed 5-2-83

5- 4-83 ✓ *Record Complete for purposes of appeal*

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of the original on file in my office.

ATTEST:

ALLYN Z. LITE, Clerk
United States District Court
District of New Jersey

By Laini Ann Orr
Deputy Clerk

IRWIN I. KIMMELMAN
Attorney General of New Jersey
Attorney for the Intervener
Richard J. Hughes Justice Complex
CN 112
Trenton, New Jersey 08625

By: CATHERINE M. BROWN
Deputy Attorney General
609-292-6428

UNITED STATES COURT APPEALS
FOR THE THIRD CIRCUIT
DOCKET NO. 83-5261

Civil Action

RICHARD NASH,

Petitioner-Appellee,

v.

GLEN R. JEFFERS, PHILLIP S. CARCHMAN,
Mercer County Prosecutor,

Respondent-Appellant.

STATE OF NEW JERSEY]
] ss.
COUNTY OF MERCER]

AFFIDAVIT OF DEBORAH A. HANSEN

DEBORAH A. HANSEN, of full age, being duly sworn according to law, upon her oath deposes and says:

1. I am currently employed by the State of New Jersey as Chief of the Bureau of Interstate Services, within the Department of Corrections. I am responsible for the administration of the various Compacts, Agreements and Acts, including the Interstate Agreement on Detainers, *N.J.S.A. 2A:159A-1 et seq.*, that pertain to the interstate

movement of fugitives and parolees. I have held this position for over four years.

2. I have been employed in the Department of Corrections for ten years. Prior to my employment as Chief of the Bureau of Interstate Services, I was employed as a supervisor within the Bureau of Interstate Services and before that as a Parole Officer in the Interstate Unit of the Bureau of Parole. When the Department of Corrections was reorganized in 1976, the Interstate Unit of the Bureau of Parole became the current Bureau of Interstate Services. My responsibilities in these positions included lodging parole violation warrants and handling all correspondence from parolees incarcerated out-of-State.

3. Whenever a New Jersey parolee is subsequently convicted of a crime and incarcerated out of State, it is the practice of the Department of Corrections to lodge a parole violation warrant detainer at the institution in which the parole violator is serving his sentence. The Department executes the warrant when the parolee is paroled or otherwise released from the out-of-State facility. An adult prison inmate is returned pursuant to the provisions of the Uniform Criminal Extradition Law, *N.J.S.A. 2A:160-1 et seq.*, or, where applicable, pursuant to the Uniform Act for Out-of-State Parolee Supervision, *N.J.S.A. 2A:168-14 et seq.*

4. The above described practice has been followed by the Department of Corrections for the 10 years I have been employed by it.

5. In support of the Department's motion to intervene I indicated that based upon the records most readily accessible at the time, it was my best estimate that the

Department had filed approximately 700 parole violation warrant detainers with other jurisdictions.

6. Since the time when the motion to intervene was filed and at the request of the Attorney General's Office, Department of Law and Public Safety, I have conducted a more thorough review of our records. While this review is not yet complete, I have been able to ascertain that of the approximately 700 warrants recorded as being filed, approximately 300 to 310 of these are parole violation warrants filed against inmates serving a term of imprisonment in another jurisdiction. The remainder of the 700 parole violation warrant detainers recorded as filed are filed against pre-trial detainees, and my understanding is that they are, therefore, not subject to the provisions of the Interstate Agreement; or warrants filed against a pre-trial detainee who is currently out on bail; or apprehension requests. In addition, all detainers lodged against parole violators serving a term of imprisonment in another jurisdiction were reviewed and, in some cases where the circumstances warranted, for example, in a case where the parole violator was subsequently sentenced to death, or sentenced to serve consecutive life terms, the Department has withdrawn its detainer. Finally, due to clerical error, some of the 700 warrant detainers recorded as being filed had in fact already been cancelled.

7. Because this review was extensive and because of limited manpower, I have been unable to compile information concerning the number of inquiries made by inmates subject to a parole violation detainer. My experience is that we routinely receive inquiries once an inmate is informed that the Department has lodged a detainer against him.

8. The cost of returning a parole violator to New Jersey varies depending upon where the parole violator is and the form of transportation used to return him to New Jersey. For example, returning a parole violator from Los Angeles may cost anywhere from approximately \$1600.00, if the inmate is returned via a private security air transport firm, to \$2200.00 if the inmate is returned via a commercial airline. In the former case, the fee is a package deal with the private security firm providing the personnel and the transportation from the California prison to a New Jersey airport. In the latter case, the Department must send two security guards out to Los Angeles to return the parole violator. The estimate given above, therefore, includes the round trip airfare for two employees, as well as the one-way airfare for the parole violator. Housing and meals for the security guards as well as the cost of transporting the parole violator from the prison to the airport are also included. By comparison, the cost of returning a parole violator from Graterford Prison in Pennsylvania is approximately \$75.00. This figure includes gas, tolls, and meals.

9. The budget for transporting State prison inmates back to New Jersey during fiscal year 84 is \$30,000. This is the total amount allocated to return not only parole violators to New Jersey, but escapees, juvenile runaways and all inmate transfers as well.

/s/ Deborah A. Hansen

Sworn and subscribed to
before me on this 20
day of September, 1983.

/s/ Catherine M. Brown